

UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

United States of America

v.

JAMES HENRY SMITH, JR.

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Case No: 4:08-CR-59-1BR

USM No: 25824-056

Thomas P. McNamara

Defendant's Attorney

Date of Original Judgment: August 3, 2009

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 84 months **is reduced to** 77 months.

The above-referenced sentence consists of a term of 77 months for Counts 1 and 2, to be served concurrently.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated August 3, 2009
shall remain in effect. **IT IS SO ORDERED.**

Order Date: 4/2/2012



Effective Date: _____
(if different from order date)

W. Earl Britt, Senior U.S. District Judge
Printed name and title